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8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 2013-237

13 **KATHLEEN MORSE**
14 **16915 Touchette Lane**
15 **Frenchtown, MT 59834**
16 **Registered Nurse License No. 679663**

DEFAULT DECISION AND ORDER

[Gov. Code, §11520]

17 Respondent.

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20 **FINDINGS OF FACT**

21 1. On or about October 2, 2012, Complainant Louise R. Bailey, M.Ed., R.N., in her
22 official capacity as the Executive Officer of the Board of Registered Nursing, Department of
23 Consumer Affairs, filed Accusation No. 2013-237 against Kathleen Morse ("Respondent") before
24 the Board of Registered Nursing. (Accusation attached as Exhibit A.)

25 2. On or about May 22, 2006, the Board of Registered Nursing ("Board") issued
26 Registered Nurse License No. 679663 to Respondent. The Registered Nurse License expired on
27 June 30, 2007, and has not been renewed.
28

1 3. On or about October 2, 2012, Respondent was served by Certified and First Class
2 Mail copies of the Accusation No. 2013-237, Statement to Respondent, Notice of Defense,
3 Request for Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6,
4 and 11507.7) at Respondent's address of record which, pursuant to California Code of
5 Regulations, title 16, section 1409.1, is required to be reported and maintained with the Board.
6 Respondent's address of record was and is: 16915 Touchette Lane, Frenchtown, MT 59834.

7 4. Service of the Accusation was effective as a matter of law under the provisions of
8 Government Code section 11505, subdivision (c) and/or Business & Professions Code section
9 124.

10 5. On or about October 17, 2012, the aforementioned documents in Paragraph 3 served
11 by First Class Mail were returned by the U.S. Postal Service marked "Unable to Forward." On or
12 about October 25, 2012, the aforementioned documents in Paragraph 3 served by Certified Mail
13 were returned by the U.S. Postal Service marked "Unable to Forward." The address on the
14 documents was the same as the address on file with the Board. Respondent failed to maintain an
15 updated address with the Board and the Board has made attempts to serve the Respondent at the
16 address on file. Respondent has not made herself available for service and therefore, has not
17 availed herself of her right to file a notice of defense and appear at hearing.

18 6. Government Code section 11506 states, in pertinent part:

19 (c) The respondent shall be entitled to a hearing on the merits if the respondent
20 files a notice of defense, and the notice shall be deemed a specific denial of all parts
21 of the accusation not expressly admitted. Failure to file a notice of defense shall
22 constitute a waiver of respondent's right to a hearing, but the agency in its discretion
23 may nevertheless grant a hearing.

24 7. Respondent failed to file a Notice of Defense within 15 days after service upon her of
25 the Accusation, and therefore waived her right to a hearing on the merits of Accusation No. 2013-
26 237.

27 8. California Government Code section 11520 states, in pertinent part:

28 (a) If the respondent either fails to file a notice of defense or to appear at the
hearing, the agency may take action based upon the respondent's express admissions
or upon other evidence and affidavits may be used as evidence without any notice to
respondent.

9. Pursuant to its authority under Government Code section 11520, the Board finds Respondent is in default. The Board will take action without further hearing and, based on the relevant evidence contained in the Default Decision Evidence Packet in this matter, as well as taking official notice of all the investigatory reports, exhibits and statements contained therein on file at the Board's offices regarding the allegations contained in Accusation No. 2013-237, finds that the charges and allegations in Accusation No. 2013-237, are separately and severally, found to be true and correct by clear and convincing evidence.

10. Taking official notice of its own internal records, pursuant to Business and Professions Code section 125.3, it is hereby determined that the reasonable costs for Investigation and Enforcement is \$995.00 as of November 6, 2012.

DETERMINATION OF ISSUES

1. Based on the foregoing findings of fact, Respondent Kathleen Morse has subjected her Registered Nurse License No. 679663 to discipline.

2. The agency has jurisdiction to adjudicate this case by default.

3. The Board of Registered Nursing is authorized to revoke Respondent's Registered Nurse License based upon the following violations alleged in the Accusation which are supported by the evidence contained in the Default Decision Evidence Packet in this case:

(a) Business and Professions Code section 2761, subdivision (a)(4) on the grounds of unprofessional conduct because Respondent was disciplined by the Arizona State Board of Nursing ("Arizona Board") in 2008 and the Board of Nursing, Department of Labor and Industry, State of Montana ("Montana Board") in 2009 as follows:

(i) On September 18, 2008, in a case entitled *In the Matter of the Application for License by Kathleen W. Morse to Practice Professional Nursing in the State of Arizona*, the Arizona Board issued Order of Denial No. 0707132, against Respondent wherein it denied her application for a registered nursing license. The Arizona Board's decision was based on the following facts: On November 22, 2005, Respondent pleaded guilty to and was convicted of misdemeanor criminal possession of dangerous drugs and misdemeanor criminal possession of drug paraphernalia in Missoula County, Montana. On or about February 13, 2006, a health care

1 professional determined that Respondent met the "DSM IV Dependence" criteria for alcohol and
2 cannabis. Additionally, Respondent failed to provide the Arizona Board with certain requested
3 information regarding her criminal convictions and Respondent failed to communicate and
4 cooperate with the Arizona Board regarding its investigation of her convictions. Moreover, on or
5 about November 9, 2001, Respondent's employer suspended her for three days for sleeping on
6 the job and for signing medications prior to giving them. On or about January 16, 2002 and
7 January 14, 2003, respectively, Respondent was given written warnings from her employer
8 regarding absenteeism and lack of respect. Finally, on August 14, 2006, in an application for
9 employment, Respondent failed to disclose her November 2005 criminal convictions.

10 (ii) On October 15, 2009, in a case entitled *In the Matter of the Disciplinary*
11 *Treatment of the License of Kathleen W. Morse, RN*, Docket No. CC-09-0218-NUR, Complaint
12 No. 2009-0070-NUR, the Montana Board issued a Final Order which indefinitely suspended
13 Respondent's license to practice nursing for the following reasons: On or about December 6,
14 2006, during the course of renewing her Montana license, Respondent responded "no" to the
15 question asking whether any legal actions or discipline had been taken against her since her last
16 renewal. On November 14, 2008, the Montana Board learned that in 2005, Respondent had been
17 convicted of criminal possession of dangerous drugs and criminal possession of drug
18 paraphernalia in Missoula, Montana. Additionally, the Arizona Board had denied Respondent's
19 application for a registered nurse license. The Montana Board focused on the Arizona Board's
20 reasons for denying Respondent's application. On or about January 24, 2010, the Montana Board
21 granted Respondent's Petition for Reinstatement of License and granted her an unrestricted
22 license to practice nursing in Montana.

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ORDER

IT IS SO ORDERED that Registered Nurse License No. 679663, heretofore issued to Respondent Kathleen Morse, is revoked.

Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a written motion requesting that the Decision be vacated and stating the grounds relied on within seven (7) days after service of the Decision on Respondent. The agency in its discretion may vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

This Decision shall become effective on MARCH 29, 2013.

It is so ORDERED FEBRUARY 27, 2013.


FOR THE BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS

51188533.DOC
DOJ Matter ID: LA2012507794

Attachment:
Exhibit A: Accusation

Exhibit A

Accusation

1 KAMALA D. HARRIS
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2 KAREN B. CHAPPELLE
Supervising Deputy Attorney General
3 SYDNEY M. MEHRINGER
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Telephone: (213) 897-2537
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7 Attorneys for Complainant

8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 2013-237

13 **KATHLEEN MORSE**
16915 Touchette Lane
Frenchtown, MT 59834

A C C U S A T I O N

14 **Registered Nurse License No. 679663**

15 Respondent.

16
17 Complainant alleges:

18 **PARTIES**

19 1. Louise R. Bailey, M.Ed., R.N. ("Complainant") brings this Accusation solely in her
20 official capacity as the Executive Officer of the Board of Registered Nursing, Department of
21 Consumer Affairs.

22 2. On or about May 22, 2006, the Board of Registered Nursing ("Board") issued
23 Registered Nurse License Number 679663 to Kathleen Morse ("Respondent"). The Registered
24 Nurse License expired on June 30, 2007, and has not been renewed.

25 **JURISDICTION**

26 3. This Accusation is brought before the Board, under the authority of the following
27 laws. All section references are to the Business and Professions Code unless otherwise indicated.
28

4. Section 2750 of the Code provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

5. Section 2764 of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Section 2811, subdivision (b) of the Code provides, in pertinent part, that the Board may renew an expired license at any time within eight years after the expiration.

6. Section 118, subdivision (b), of the Code provides that the suspension, expiration, surrender, or cancellation of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued or reinstated.

7. California Code of Regulations, title 16, section 1419.3 states:

In the event a licensee does not renew his/her license as provided in Section 2811 of the code, the license expires. A licensee renewing pursuant to this section shall furnish a full set of fingerprints as required by and set out in section 1419(b) as a condition of renewal.

(a) A licensee may renew a license that has not been expired for more than eight years by paying the renewal and penalty fees as specified in Section 1417 and providing evidence of 30 hours of continuing education taken within the prior two-year period.

(b) A licensee may renew a license that has been expired for more than eight years by paying the renewal and penalty fees specified in Section 1417 and providing evidence that he or she holds a current valid active and clear registered nurse license in another state, a United States territory, or Canada, or by passing the Board's current examination for licensure."

STATUTES

8. Section 2761 of the Code states:

"The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

"(a) Unprofessional conduct, which includes, but is not limited to, the following:

• • • •

1 "(4) Denial of licensure, revocation, suspension, restriction, or any other disciplinary action
2 against a health care professional license or certificate by another state or territory of the United
3 States, by any other government agency, or by another California health care professional
4 licensing board. A certified copy of the decision or judgment shall be conclusive evidence of that
5 action."

6 **COST RECOVERY**

7 9. Section 125.3 of the Code provides, in pertinent part,

8 "(a) Except as otherwise provided by law, in any order issued in resolution of a disciplinary
9 proceeding before any board within the department or before the Osteopathic Medical Board,
10 upon request of the entity bringing the proceeding, the administrative law judge may direct a
11 licentiate found to have committed a violation or violations of the licensing act to pay a sum not
12 to exceed the reasonable costs of the investigation and enforcement of the case.

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14 "(i) Nothing in this section shall preclude a board from including the recovery of the costs
15 of investigation and enforcement of a case in any stipulated settlement."

16 **FIRST CAUSE FOR DISCIPLINE**

17 (Disciplinary Action by the Arizona Board of Nursing)

18 10. Respondent is subject to disciplinary action under Code section 2761, subdivision
19 (a)(4) on the grounds of unprofessional conduct because she was disciplined by the Arizona State
20 Board of Nursing ("Arizona Board") in 2008 as follows:

21 11. On September 18, 2008, the Arizona Board issued an Order of Denial against
22 Respondent wherein it denied her application for a registered nursing license. The Arizona
23 Board's decision was based on the following:

24 (a) On November 22, 2005, Respondent pleaded guilty to and was convicted of
25 misdemeanor criminal possession of dangerous drugs and misdemeanor criminal possession of
26 drug paraphernalia in Missoula County, Montana.

27 (b) On or about February 13, 2006, a health care professional determined that
28 Respondent met the "DSM IV Dependence" criteria for alcohol and cannabis.

1 (c) Respondent failed to provide the Arizona Board with certain requested
2 information regarding her criminal convictions and Respondent failed to communicate and
3 cooperate with the Arizona Board regarding its investigation of her convictions.

4 (d) On or about November 9, 2001, Respondent's employer suspended her for three
5 days for sleeping on the job and for signing medications prior to giving them.

6 (e) In or about January 16, 2002 and January 14, 2003, respectively, Respondent
7 was given written warnings from her employer regarding absenteeism and lack of respect.

8 (f) On August 14, 2006, in an application for employment, Respondent failed to
9 disclose her November 2005 criminal convictions.

10 **SECOND CAUSE FOR DISCIPLINE**

11 (Disciplinary Action by the Montana Board of Nursing)

12 12. Respondent is subject to disciplinary action under Code section 2761, subdivision
13 (a)(4) on the grounds of unprofessional conduct because she was disciplined by the Board of
14 Nursing, Department of Labor and Industry, State of Montana ("Montana Board") in 2009 as
15 follows:

16 13. On or about April 15, 2009, the Montana Board issued a Notice of Summary
17 Suspension, Notice of Proposed Board Action and Opportunity for Hearing ("Notice"). In the
18 Notice, the Montana Board proposed discipline against Respondent's registered nursing license
19 for the following reasons:

20 (a) On or about December 6, 2006, during the course of renewing her Montana
21 license, Respondent responded "no" to the question asking whether any legal actions or discipline
22 had been taken against her since her last renewal.

23 (b) On November 14, 2008, the Montana Board learned that in 2005, Respondent
24 had been convicted of criminal possession of dangerous drugs and criminal possession of drug
25 paraphernalia in Missoula, Montana.

26 (c) The Arizona Board had denied Respondent's application for a registered nurse
27 license. The Montana Board focused the Arizona Board's reasons for denying Respondent's
28

1 application as set forth in Paragraph 11, subparagraphs (a)-(d), inclusive, and hereby incorporated
2 by reference.

3 14. On October 15, 2009, the Montana Board issued a Final Order which adopted the
4 Notice and indefinitely suspended Respondent's license to practice nursing.

5 15. On or about January 24, 2010, the Montana Board granted Respondent's Petition for
6 Reinstatement of License and granted her an unrestricted license to practice nursing in Montana.

7 **PRAYER**

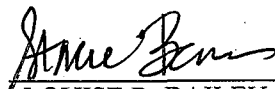
8 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
9 and that following the hearing, the Board of Registered Nursing issue a decision:

10 1. Revoking or suspending Registered Nurse License Number 679663, issued to
11 Kathleen Morse;

12 2. Ordering Kathleen Morse to pay the Board's the reasonable costs of the investigation
13 and enforcement of this case, pursuant to Business and Professions Code section 125.3; and

14 3. Taking such other and further action as deemed necessary and proper.

15 DATED: OCTOBER 02, 2012

16 
17 *for* LOUISE R. BAILEY, M.ED., R.N.
18 Executive Officer
19 Board of Registered Nursing
20 State of California
21 Complainant

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